

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The Muscogee (Creek) Nation v. Purdue  
Pharma L.P., et al.*

Case No. 18-op-45459-DAP

MDL No. 2804

Case No. 1:17-MD-2804

Judge Dan Aaron Polster

**CVS PHARMACY, INC., OKLAHOMA CVS PHARMACY, L.L.C.,  
AND OMNICARE DISTRIBUTION CENTER L.L.C.'S  
AMENDED ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants CVS Pharmacy, Inc., Oklahoma CVS Pharmacy, L.L.C., and Omnicare Distribution Center L.L.C. (together "CVS"), by and through undersigned counsel, respond to Plaintiff's First Amended Complaint ("Complaint") as follows:

**PRELIMINARY STATEMENT**

The following matters are incorporated by reference into CVS's responses to each Paragraph of the Complaint:

A. The Complaint, filed on July 9, 2018, also named CVS Health Corporation ("CVS Health") as a Defendant in this case. (Doc. 731 at 1). On October 5, 2018, however, after CVS Health moved to dismiss the Complaint for lack of personal jurisdiction (Doc. 921), the Court granted Plaintiff's unopposed motion to dismiss CVS Health from this case. (Docs. 1002 & 1022). Accordingly, CVS Pharmacy, Inc., Oklahoma CVS Pharmacy, L.L.C., and Omnicare Distribution Center L.L.C. are the only CVS defendants in this action and submit this Answer only on behalf of themselves.

B. Where allegations are made against “Defendants” as a group, however described, CVS’s responses apply only to itself.

C. Most of the allegations in the Complaint are not directed at CVS and therefore do not require a response. The responses below are subject to that limitation, regardless of whether expressly stated or not.

D. The Complaint contains purported references to documents and third-party publications and statements that have often been excerpted, paraphrased, characterized, and otherwise presented out of context. These documents and third-party publications and statements should be considered, if at all, in context and in unmodified form. CVS respectfully refers the Court to the respective materials for their complete contents.

E. Except as otherwise expressly stated, CVS denies each and every allegation contained in the Complaint, including any allegations contained in unnumbered Paragraphs, Paragraphs, titles, headings, subheadings, footnotes, and exhibits, and specifically denies any liability to Plaintiff. To the extent not expressly denied, all allegations for which CVS denies possessing knowledge or information sufficient to form a belief are denied. Paragraph headings and titles are recited in this Answer only for the purposes of organization and reference.

F. CVS reserves the right to seek to amend and supplement its Answer as may be appropriate or necessary.

### **INTRODUCTION**

1. CVS admits opioids are a class of substances that include legal, prescription medication that doctors may prescribe to treat pain. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief

about the truth of the allegations in Paragraph 1. To the extent any further response is required, CVS denies the allegations.

2. While CVS is aware of reports on overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2, and respectfully refers the Court to the cited Centers for Disease Control and Prevention data, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

3. CVS denies the allegations in Paragraph 3 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3. To the extent any further response is required, CVS denies the allegations.

4. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 4. To the extent any further response is required, CVS denies the allegations.

5. While CVS is aware of reports on overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 5, and respectfully refers the Court to the cited studies, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

6. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6, and respectfully refers the Court to the cited studies, which speak for themselves

and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

7. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7, and respectfully refers the Court to the cited studies, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

8. CVS lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 8. To the extent any further response is required, CVS denies the allegations.

9. CVS admits that certain companies manufacture opioid medications, certain companies distribute opioid medications to pharmacies, and certain pharmacies, including CVS Pharmacy retail pharmacy stores, fill prescriptions for opioid medications written by medical practitioners for their patients. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9. To the extent any further response is required, CVS denies the allegations.

10. The allegations in Paragraph 10 are too vague to require a response. To the extent any further response is required, CVS denies the allegations in Paragraph 10, except CVS admits that a DEA regulation addresses suspicious orders, and respectfully refers the Court to the regulations for its true and correct content. *See, e.g.*, 21 C.F.R. § 1301.74(b).

11. The allegations in Paragraph 11 are too vague to require a response. To the extent any further response is required, CVS denies the allegations in Paragraph 11, except CVS admits

that a DEA regulation addresses suspicious orders, and respectfully refers the Court to the regulations for its true and correct content. *See, e.g.*, 21 C.F.R. § 1301.74(b).

12. The allegations in Paragraph 12 are too vague to require a response. To the extent any further response is required, CVS denies the allegations in Paragraph 12, except CVS admits that a DEA regulation addresses the corresponding responsibility of a pharmacist who fills prescriptions, and respectfully refers the Court to the regulations for its true and correct content. *See, e.g.*, 21 C.F.R. § 1306.04(a).

13. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13. To the extent any further response is required, CVS denies the allegations.

14. To the extent Paragraph 14 purports to define “Diversion Defendants” and states legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 14 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14. To the extent any further response is required, CVS denies the allegations.

15. To the extent the allegations in Paragraph 15 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 15 insofar as alleged against it. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15, and respectfully refers the Court to the cited study, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

16. While CVS is aware of reports on overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16, and respectfully refers the Court to the cited studies, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

17. While CVS is aware of reports on overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17, and respectfully refers the Court to the cited study, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

18. CVS denies the allegations in Paragraph 18 insofar as alleged against it. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18, and respectfully refers the Court to the cited studies, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

19. While individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19, and respectfully refers the Court to the cited study, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

20. CVS denies the allegations in Paragraph 20 insofar as alleged against it. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or

information sufficient to form a belief about the truth of the allegations in Paragraph 20. To the extent any further response is required, CVS denies the allegations.

21. While individuals have suffered from opioid addiction and abuse, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21. To the extent any further response is required, CVS denies the allegations.

22. To the extent Paragraph 22 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22. To the extent any further response is required, CVS denies the allegations.

23. Paragraph 23 purports to describe the claims brought in this suit, and thus no response is required. To the extent any further response is required, CVS denies the allegations.

24. Paragraph 24 purports to describe the relief sought in this suit, and thus no response is required. To the extent any further response is required, CVS denies the allegations.

## **PARTIES**

### **I. PLAINTIFF**

25. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25. To the extent any further response is required, CVS denies the allegations.

26. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26. To the extent any further response is required, CVS denies the allegations.

27. To the extent the allegations in Paragraph 27 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the

truth of the allegations in Paragraph 27. To the extent any further response is required, CVS denies the allegations.

## **II. DEFENDANTS**

28. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28. To the extent any further response is required, CVS denies the allegations.

29. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29. To the extent any further response is required, CVS denies the allegations.

30. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30. To the extent any further response is required, CVS denies the allegations.

31. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31. To the extent any further response is required, CVS denies the allegations.

32. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32. To the extent any further response is required, CVS denies the allegations.

33. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33. To the extent any further response is required, CVS denies the allegations.



34. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34. To the extent any further response is required, CVS denies the allegations.

35. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35. To the extent any further response is required, CVS denies the allegations.

36. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36. To the extent any further response is required, CVS denies the allegations.

37. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37. To the extent any further response is required, CVS denies the allegations.

38. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38. To the extent any further response is required, CVS denies the allegations.

39. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39. To the extent any further response is required, CVS denies the allegations.

40. To the extent the allegations in Paragraph 40 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40. To the extent any further response is required, CVS denies the allegations.

41. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41. To the extent any further response is required, CVS denies the allegations.

42. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42. To the extent any further response is required, CVS denies the allegations.

43. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43. To the extent any further response is required, CVS denies the allegations.

44. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44. To the extent any further response is required, CVS denies the allegations.

45. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 45. To the extent any further response is required, CVS denies the allegations.

46. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46. To the extent any further response is required, CVS denies the allegations.

47. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47. To the extent any further response is required, CVS denies the allegations.

48. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48. To the extent any further response is required, CVS denies the allegations.

49. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49. To the extent any further response is required, CVS denies the allegations.

50. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50. To the extent any further response is required, CVS denies the allegations.

51. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51. To the extent any further response is required, CVS denies the allegations.

52. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52. To the extent any further response is required, CVS denies the allegations.

53. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53. To the extent any further response is required, CVS denies the allegations.

54. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54. To the extent any further response is required, CVS denies the allegations.

55. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55. To the extent any further response is required, CVS denies the allegations.

56. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 56. To the extent any further response is required, CVS denies the allegations.

57. CVS denies the allegations in Paragraph 57.

58. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58. To the extent any further response is required, CVS denies the allegations.

59. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59. To the extent any further response is required, CVS denies the allegations.

60. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 60. To the extent any further response is required, CVS denies the allegations.

61. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61. To the extent any further response is required, CVS denies the allegations.

62. CVS denies the allegations in Paragraph 62 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62 except to aver that the referenced settlement agreements speaks for themselves. To the extent any further response is required, CVS denies the allegations.

63. CVS Health has been dismissed from this case, so no answer to Paragraph 63 is required. To the extent a further response is required, CVS denies the allegations.

64. CVS denies the allegations in Paragraph 64, except that CVS admits that CVS Pharmacy, Inc. is a Rhode Island corporation with its principal place of business in Rhode Island; that CVS Pharmacy, Inc. directly or indirectly operates CVS Pharmacy retail pharmacy stores in Oklahoma; and that CVS Pharmacy retail pharmacy stores in Oklahoma have filled prescriptions for prescription opioids written by medical practitioners for their patients.

65. CVS denies the allegations in Paragraph 65, except that CVS admits that Oklahoma CVS Pharmacy, L.L.C. is an Oklahoma business entity with its principal place of business in Rhode Island; that Oklahoma CVS Pharmacy, L.L.C. operates CVS Pharmacy retail pharmacy stores in Oklahoma; and that CVS Pharmacy retail pharmacy stores in Oklahoma have filled prescriptions for prescription opioids written by medical practitioners for their patients.

66. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66. To the extent any further response is required, CVS denies the allegations.

67. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67. To the extent any further response is required, CVS denies the allegations.

68. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 68. To the extent any further response is required, CVS denies the allegations.

69. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 69. To the extent any further response is required, CVS denies the allegations.

70. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 70. To the extent any further response is required, CVS denies the allegations.

71. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 71. To the extent any further response is required, CVS denies the allegations.

72. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72. To the extent any further response is required, CVS denies the allegations.

73. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 73. To the extent any further response is required, CVS denies the allegations.

74. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 74. To the extent any further response is required, CVS denies the allegations.

75. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 75. To the extent any further response is required, CVS denies the allegations.

76. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 76. To the extent any further response is required, CVS denies the allegations.

77. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77. To the extent any further response is required, CVS denies the allegations.

78. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 78. To the extent any further response is required, CVS denies the allegations.

79. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 79. To the extent any further response is required, CVS denies the allegations.

80. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 80. To the extent any further response is required, CVS denies the allegations.

81. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 81. To the extent any further response is required, CVS denies the allegations.

82. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 82. To the extent any further response is required, CVS denies the allegations.

83. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 83. To the extent any further response is required, CVS denies the allegations.

84. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84. To the extent any further response is required, CVS denies the allegations.

85. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85. To the extent any further response is required, CVS denies the allegations.

86. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 86. To the extent any further response is required, CVS denies the allegations.

87. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 87. To the extent any further response is required, CVS denies the allegations.

88. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 88. To the extent any further response is required, CVS denies the allegations.

89. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89. To the extent any further response is required, CVS denies the allegations.



90. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 90. To the extent any further response is required, CVS denies the allegations.

91. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 91. To the extent any further response is required, CVS denies the allegations.

92. CVS denies the allegations in Paragraph 92 insofar as alleged against it, except it admits that certain CVS entities have entered into various settlement agreements with various federal and state regulators, which settlement agreements speak for themselves and are the best evidence of their content. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 92. To the extent any further response is required, CVS denies the allegations.

#### **JURISDICTION AND VENUE**

93. The allegations in Paragraph 93 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

94. The allegations in Paragraph 94 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 94. To the extent any further response is required, CVS denies the allegations.

95. The allegations in Paragraph 95 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**FACTUAL BACKGROUND**

96. CVS admits opioids are a class of substances that include legal, prescription medication that doctors may prescribe to treat pain. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 96. To the extent any further response is required, CVS denies the allegations.

97. The allegations in Paragraph 97 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

98. To the extent the allegations in Paragraph 98 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 98 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 98. To the extent any further response is required, CVS denies the allegations.

99. The allegations in Paragraph 99 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

100. The allegations in Paragraph 100 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

101. The allegations in Paragraph 101 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

102. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 102. To the extent any further response is required, CVS denies the allegations.

103. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 103. To the extent any further response is required, CVS denies the allegations.

104. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 104. To the extent any further response is required, CVS denies the allegations.

105. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105. To the extent any further response is required, CVS denies the allegations.

106. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106. To the extent any further response is required, CVS denies the allegations.

107. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107. To the extent any further response is required, CVS denies the allegations.

108. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 108. To the extent any further response is required, CVS denies the allegations.

109. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 109. To the extent any further response is required, CVS denies the allegations.

110. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 110. To the extent any further response is required, CVS denies the allegations.

111. While CVS is aware of reports on opioid addiction, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 111. To the extent any further response is required, CVS denies the allegations.

112. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112. To the extent any further response is required, CVS denies the allegations.

113. While individuals have suffered from opioid addiction and abuse, CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 113. To the extent any further response is required, CVS denies the allegations.

114. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 114. To the extent any further response is required, CVS denies the allegations.

115. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 115. To the extent any further response is required, CVS denies the allegations.

116. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 116. To the extent any further response is required, CVS denies the allegations.

117. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 117. To the extent any further response is required, CVS denies the allegations.

118. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118. To the extent any further response is required, CVS denies the allegations.

119. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 119. To the extent any further response is required, CVS denies the allegations.

120. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 120. To the extent any further response is required, CVS denies the allegations.

121. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 121. To the extent any further response is required, CVS denies the allegations.

122. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 122. To the extent any further response is required, CVS denies the allegations.

123. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123. To the extent any further response is required, CVS denies the allegations.

124. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 124. To the extent any further response is required, CVS denies the allegations.

125. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 125. To the extent any further response is required, CVS denies the allegations.

126. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 126. To the extent any further response is required, CVS denies the allegations.

127. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 127. To the extent any further response is required, CVS denies the allegations.

128. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 128. To the extent any further response is required, CVS denies the allegations.

129. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 129. To the extent any further response is required, CVS denies the allegations.

130. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 130. To the extent any further response is required, CVS denies the allegations.

131. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 131. To the extent any further response is required, CVS denies the allegations.

132. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 132. To the extent any further response is required, CVS denies the allegations.

133. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 133. To the extent any further response is required, CVS denies the allegations.

134. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 134. To the extent any further response is required, CVS denies the allegations.

135. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 135. To the extent any further response is required, CVS denies the allegations.

136. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 136. To the extent any further response is required, CVS denies the allegations.

137. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 137. To the extent any further response is required, CVS denies the allegations.

138. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138. To the extent any further response is required, CVS denies the allegations.

139. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 139. To the extent any further response is required, CVS denies the allegations.

140. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 140. To the extent any further response is required, CVS denies the allegations.

141. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 141. To the extent any further response is required, CVS denies the allegations.

142. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 142. To the extent any further response is required, CVS denies the allegations.

143. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 143. To the extent any further response is required, CVS denies the allegations.



144. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 144. To the extent any further response is required, CVS denies the allegations.

145. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 145. To the extent any further response is required, CVS denies the allegations.

146. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 146. To the extent any further response is required, CVS denies the allegations.

147. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 147. To the extent any further response is required, CVS denies the allegations.

148. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 148. To the extent any further response is required, CVS denies the allegations.

149. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149. To the extent any further response is required, CVS denies the allegations.

150. To the extent the allegations in Paragraph 150 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 150. To the extent any further response is required, CVS denies the allegations.

151. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 151. To the extent any further response is required, CVS denies the allegations.

152. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 152. To the extent any further response is required, CVS denies the allegations.

153. To the extent the allegations in Paragraph 153 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 153. To the extent any further response is required, CVS denies the allegations.

154. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 154. To the extent any further response is required, CVS denies the allegations.

155. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 155. To the extent any further response is required, CVS denies the allegations.

156. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 156. To the extent any further response is required, CVS denies the allegations.

157. To the extent the allegations in Paragraph 157 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 157. To the extent any further response is required, CVS denies the allegations.

158. To the extent the allegations in Paragraph 150 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 158. To the extent any further response is required, CVS denies the allegations.

159. To the extent the allegations in Paragraph 159 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 159. To the extent any further response is required, CVS denies the allegations.

160. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 160. To the extent any further response is required, CVS denies the allegations.

161. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 161. To the extent any further response is required, CVS denies the allegations.

162. The allegations in Paragraph 162 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

163. The allegations in Paragraph 163 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

164. The allegations in Paragraph 164 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

165. To the extent the allegations in Paragraph 165 purport to describe the claims, no response is required. The allegations in Paragraph 165 otherwise state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

166. The allegations in Paragraph 166 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

167. The allegations in Paragraph 167 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

168. The allegations in Paragraph 168 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

169. The allegations in Paragraph 169 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

170. The allegations in Paragraph 170 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

171. The allegations in Paragraph 171 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

172. The allegations in Paragraph 172 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

173. The allegations in Paragraph 173 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

174. The allegations in Paragraph 174 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

175. The allegations in Paragraph 175 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

176. The allegations in Paragraph 176 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

177. The allegations in Paragraph 177 are too vague to require a response. To the extent any further response is required, CVS denies the allegations in Paragraph 177, except CVS admits that the DEA issues identification numbers to prescribers of controlled substances, and further admits that a DEA regulation addresses the corresponding responsibility of a pharmacist who fills prescriptions, and respectfully refers the Court to the regulations for its true and correct content. *See, e.g.*, 21 C.F.R. § 1306.04(a).

178. To the extent the allegations in Paragraph 178 state legal conclusions, no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 178.

179. To the extent the allegations in Paragraph 179 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 179.

180. To the extent the allegations in Paragraph 180 purport to describe the claims, no response is required. The allegations in Paragraph 180 otherwise state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

181. The allegations in Paragraph 181 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

182. The allegations in Paragraph 182 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

183. The allegations in Paragraph 183 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

184. The allegations in Paragraph 184 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

185. The allegations in Paragraph 185 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

186. The allegations in Paragraph 186 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

187. To the extent the allegations in Paragraph 187 purport to describe the claims, no response is required. The allegations in Paragraph 187 otherwise state legal conclusions as to

which no response is required. To the extent any further response is required, CVS denies the allegations.

188. The allegations in Paragraph 188 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

189. The allegations in Paragraph 189 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

190. The allegations in Paragraph 190 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

191. The allegations in Paragraph 191 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

192. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 192. To the extent any further response is required, CVS denies the allegations.

193. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 193. To the extent any further response is required, CVS denies the allegations.

194. The allegations in Paragraph 194 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

195. The allegations in Paragraph 195 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

196. The allegations in Paragraph 196 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

197. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 197. To the extent any further response is required, CVS denies the allegations.

198. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 198. To the extent any further response is required, CVS denies the allegations.

199. The allegations in Paragraph 199 state legal conclusions as to which no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 199.

200. The allegations in Paragraph 200 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

201. The allegations in Paragraph 201 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

202. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202. To the extent any further response is required, CVS denies the allegations.

203. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 203, and respectfully refers the Court to the cited DEA document,



which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

204. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 204. To the extent any further response is required, CVS denies the allegations.

205. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 205, except CVS admits that the DEA wrote letters to registrants dated September 27, 2006, and December 27, 2007. To the extent any further response is required, CVS denies the allegations.

206. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 206. To the extent any further response is required, CVS denies the allegations.

207. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 207, and respectfully refers the Court to the cited guidelines published by HDA, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

208. The allegations in Paragraph 208 are too vague to require a response. To the extent any response is required, CVS denies the allegations.

209. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 209. To the extent any further response is required, CVS denies the allegations.

210. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 210. To the extent any further response is required, CVS denies the allegations.

211. The allegations in Paragraph 211 state legal conclusions as to which no response is required and otherwise are too vague to require a response. To the extent that a response is required, CVS denies the allegations insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 211. To the extent any further response is required, CVS denies the allegations.

212. To the extent the allegations in Paragraph 212 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 212 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 212. To the extent any further response is required, CVS denies the allegations.

213. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 213. To the extent any further response is required, CVS denies the allegations.

214. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 214. To the extent any further response is required, CVS denies the allegations.

215. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 215. To the extent any further response is required, CVS denies the allegations.

216. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 216. To the extent any further response is required, CVS denies the allegations.

217. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 217. To the extent any further response is required, CVS denies the allegations.

218. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 218. To the extent any further response is required, CVS denies the allegations.

219. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 219. To the extent any further response is required, CVS denies the allegations.

220. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 220. To the extent any further response is required, CVS denies the allegations.

221. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 221. To the extent any further response is required, CVS denies the allegations.

222. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 222. To the extent any further response is required, CVS denies the allegations.

223. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 223. To the extent any further response is required, CVS denies the allegations.

224. To the extent the allegations in Paragraph 224 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 224. To the extent any further response is required, CVS denies the allegations.

225. To the extent the allegations in Paragraph 225 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 225. To the extent any further response is required, CVS denies the allegations.

226. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 226. To the extent any further response is required, CVS denies the allegations.

227. To the extent the allegations in Paragraph 227 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 227. To the extent any further response is required, CVS denies the allegations.

228. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 228. To the extent any further response is required, CVS denies the allegations.

229. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 229. To the extent any further response is required, CVS denies the allegations.

230. CVS denies the allegations in Paragraph 230 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 230. To the extent any further response is required, CVS denies the allegations.

231. To the extent the allegations in Paragraph 231 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 231 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 231. To the extent any further response is required, CVS denies the allegations.

232. To the extent the allegations in Paragraph 232 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 232 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 232. To the extent any further response is required, CVS denies the allegations.

233. CVS denies the allegations in Paragraph 233 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 233. To the extent any further response is required, CVS denies the allegations.

234. To the extent the allegations in Paragraph 234 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 234 insofar as alleged against it.

CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 234. To the extent any further response is required, CVS denies the allegations.

235. CVS denies the allegations in Paragraph 235 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 235. To the extent any further response is required, CVS denies the allegations.

236. CVS denies the allegations in Paragraph 236 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 236. To the extent any further response is required, CVS denies the allegations.

237. The allegations in Paragraph 237 are too vague to require a response. To the extent any further response is required, CVS denies the allegations.

238. To the extent the allegations in Paragraph 238 refer to sources of alleged guidance provided to pharmacists, CVS respectfully refers the Court to the cited documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

239. To the extent the allegations in Paragraph 239 refer to sources of alleged guidance provided to pharmacists, CVS respectfully refers the Court to the cited documents for their true and correct contents. To the extent any further response is required, CVS denies the allegations.

240. CVS denies the allegations in Paragraph 240 insofar as alleged against it except to aver that it is CVS policy to comply with all applicable laws and that public statements by CVS speak for themselves and are the best evidence of their content. CVS otherwise lacks knowledge

or information sufficient to form a belief about the truth of the allegations in Paragraph 240. To the extent any further response is required, CVS denies the allegations.

241. CVS denies the allegations in Paragraph 241 except to aver that it is CVS policy to comply with all applicable laws and that public statements by CVS speak for themselves and are the best evidence of their content.

242. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 242. To the extent any further response is required, CVS denies the allegations.

243. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 243. To the extent any further response is required, CVS denies the allegations.

244. To the extent the allegations in Paragraph 244 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 244 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 244. To the extent any further response is required, CVS denies the allegations.

245. To the extent the allegations in Paragraph 245 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 245 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 245. To the extent any further response is required, CVS denies the allegations.

246. To the extent the allegations in Paragraph 246 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 246 insofar as alleged against it.

CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 246. To the extent any further response is required, CVS denies the allegations.

247. CVS denies the allegations in Paragraph 247, except CVS admits that certain CVS entities have entered into various settlement agreements with various federal and state regulators, which settlement agreements speak for themselves and are the best evidence of their content. CVS otherwise denies Plaintiff's characterization of the settlement agreements, and otherwise denies the remaining allegations in Paragraph 247.

248. CVS denies the allegations in Paragraph 248, except CVS admits that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the District of Maryland in 2016; that CVS Health entered a settlement agreement with the U.S. Attorney's Office for the Middle District of Florida in 2016; that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the Western District of Oklahoma in 2013; that CVS Pharmacy, Inc. entered a settlement agreement with the United States Department of Justice and the Drug Enforcement Administration's New England Field Division in 2016; that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the Southern District of Texas in 2014; and that CVS Health entered a settlement agreement with the U.S. Attorney's Office for the District of Rhode Island in 2015. CVS otherwise denies Plaintiff's characterizations of the settlements, and respectfully refers the Court to the referenced settlement agreements, which speak for themselves.

249. CVS denies the allegations in Paragraph 249, except CVS admits that CVS Pharmacy, Inc. entered a settlement agreement with the United States Department of Justice and the Drug Enforcement Administration's New England Field Division in 2016. CVS otherwise



denies Plaintiff's characterizations of the settlement, and respectfully refers the Court to the referenced settlement agreement, which speaks for itself.

250. CVS denies the allegations in Paragraph 250, except CVS admits that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the District of Maryland in 2016. CVS otherwise denies Plaintiff's characterizations of the settlement, and respectfully refers the Court to the referenced settlement agreement, which speaks for itself.

251. CVS denies the allegations in Paragraph 251, except CVS admits that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the District of Connecticut in 2016. CVS otherwise denies Plaintiff's characterizations of the settlement, and respectfully refers the Court to the referenced settlement agreement, which speaks for itself.

252. CVS denies the allegations in Paragraph 252, except CVS admits that CVS Pharmacy, Inc. entered a settlement agreement with the U.S. Attorney's Office for the Western District of Oklahoma in 2013. CVS otherwise denies Plaintiff's characterizations of the settlement, and respectfully refers the Court to the referenced settlement agreement, which speaks for itself.

253. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 253. To the extent any further response is required, CVS denies the allegations.

254. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 254. To the extent any further response is required, CVS denies the allegations.

255. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 255. To the extent any further response is required, CVS denies the allegations.

256. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 256. To the extent any further response is required, CVS denies the allegations.

257. To the extent the allegations in Paragraph 257 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 257 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 257. To the extent any further response is required, CVS denies the allegations.

258. To the extent the allegations in Paragraph 258 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 258 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 258. To the extent any further response is required, CVS denies the allegations.

259. To the extent the allegations in Paragraph 259 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 259 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 259. To the extent any further response is required, CVS denies the allegations.

260. To the extent the allegations in Paragraph 260 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 260 insofar as alleged against it.

CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 260. To the extent any further response is required, CVS denies the allegations.

261. CVS denies the allegations in Paragraph 261 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 261. To the extent any further response is required, CVS denies the allegations.

262. CVS denies the allegations in Paragraph 262 insofar as alleged against it, except CVS admits that prior incentive plans, not in place since 2012, took into account the number of all prescriptions filled but provided no special incentive for filling opioid prescriptions. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 262. To the extent any further response is required, CVS denies the allegations.

263. To the extent the allegations in Paragraph 263 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 263 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 263. To the extent any further response is required, CVS denies the allegations.

264. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 264. To the extent any further response is required, CVS denies the allegations.

265. While CVS is aware of reports on opioid addiction, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 265, and

respectfully refers the Court to the cited study, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

266. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 266, and respectfully refers the Court to the cited DEA data, which speaks for itself and is the best evidence of its content. To the extent any further response is required, CVS denies the allegations.

267. While individuals have suffered from opioid addiction and abuse and while CVS is aware of reports on overdose rates, CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 267, and respectfully refers the Court to the cited materials, which speak for themselves and are the best evidence of their content. To the extent any further response is required, CVS denies the allegations.

268. To the extent the allegations in Paragraph 268 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 268. To the extent any further response is required, CVS denies the allegations.

269. To the extent the allegations in Paragraph 269 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 269. To the extent any further response is required, CVS denies the allegations.

270. To the extent the allegations in Paragraph 270 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 270. To the extent any further response is required, CVS denies the allegations.

271. To the extent the allegations in Paragraph 271 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 271. To the extent any further response is required, CVS denies the allegations.

272. To the extent the allegations in Paragraph 272 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 272. To the extent any further response is required, CVS denies the allegations.

273. To the extent the allegations in Paragraph 273 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 273. To the extent any further response is required, CVS denies the allegations.

274. To the extent the allegations in Paragraph 274 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 274 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 274. To the extent any further response is required, CVS denies the allegations.

275. To the extent the allegations in Paragraph 275 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 275 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 275. To the extent any further response is required, CVS denies the allegations.

276. To the extent the allegations in Paragraph 276 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 276 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 276. To the extent any further response is required, CVS denies the allegations.

277. To the extent the allegations in Paragraph 277 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 277 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 277. To the extent any further response is required, CVS denies the allegations.

278. To the extent the allegations in Paragraph 278 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 278 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 278. To the extent any further response is required, CVS denies the allegations.

279. To the extent the allegations in Paragraph 279 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 279 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 279. To the extent any further response is required, CVS denies the allegations.

280. To the extent the allegations in Paragraph 280 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 280 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

allegations in Paragraph 280. To the extent any further response is required, CVS denies the allegations.

281. To the extent the allegations in Paragraph 281 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 281 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 281. To the extent any further response is required, CVS denies the allegations.

282. CVS denies the allegations in Paragraph 282 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 282. To the extent any further response is required, CVS denies the allegations.

283. To the extent the allegations in Paragraph 283 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 283 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 283. To the extent any further response is required, CVS denies the allegations.

284. To the extent the allegations in Paragraph 284 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 284 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 284. To the extent any further response is required, CVS denies the allegations.

285. To the extent the allegations in Paragraph 285 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 285 insofar as alleged against it.

CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 285. To the extent any further response is required, CVS denies the allegations.

286. To the extent the allegations in Paragraph 286 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 286 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 286. To the extent any further response is required, CVS denies the allegations.

287. CVS denies the allegations in Paragraph 287 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 287. To the extent any further response is required, CVS denies the allegations.

288. To the extent the allegations in Paragraph 288 state legal conclusions, no response is required. CVS denies the allegations in Paragraph 288 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 288. To the extent any further response is required, CVS denies the allegations.

289. To the extent the allegations in Paragraph 289 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 289 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 289. To the extent any further response is required, CVS denies the allegations.



290. To the extent the allegations in Paragraph 290 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 290 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 290. To the extent any further response is required, CVS denies the allegations.

291. CVS denies the allegations in Paragraph 291 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 291. To the extent any further response is required, CVS denies the allegations.

292. To the extent the allegations in Paragraph 292 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 292 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 292. To the extent any further response is required, CVS denies the allegations.

293. To the extent the allegations in Paragraph 293 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 293 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 293. To the extent any further response is required, CVS denies the allegations.

294. To the extent the allegations in Paragraph 294 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 294 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the

allegations in Paragraph 294. To the extent any further response is required, CVS denies the allegations.

295. To the extent the allegations in Paragraph 295 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 295 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 295. To the extent any further response is required, CVS denies the allegations.

296. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 296. To the extent any further response is required, CVS denies the allegations.

297. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 297. To the extent any further response is required, CVS denies the allegations.

298. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 298. To the extent any further response is required, CVS denies the allegations.

299. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 299. To the extent any further response is required, CVS denies the allegations.

300. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 300. To the extent any further response is required, CVS denies the allegations.

301. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 301. To the extent any further response is required, CVS denies the allegations.

302. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 302. To the extent any further response is required, CVS denies the allegations.

303. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 303. To the extent any further response is required, CVS denies the allegations.

304. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 304. To the extent any further response is required, CVS denies the allegations.

305. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 305. To the extent any further response is required, CVS denies the allegations.

306. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 306. To the extent any further response is required, CVS denies the allegations.

307. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 307. To the extent any further response is required, CVS denies the allegations.

308. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 308. To the extent any further response is required, CVS denies the allegations.

309. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 309. To the extent any further response is required, CVS denies the allegations.

310. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 310. To the extent any further response is required, CVS denies the allegations.

311. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 311. To the extent any further response is required, CVS denies the allegations.

312. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 312. To the extent any further response is required, CVS denies the allegations.

313. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 313. To the extent any further response is required, CVS denies the allegations.

314. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 314. To the extent any further response is required, CVS denies the allegations.

315. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 315. To the extent any further response is required, CVS denies the allegations.

316. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 316. To the extent any further response is required, CVS denies the allegations.

317. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 317. To the extent any further response is required, CVS denies the allegations.

318. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 318. To the extent any further response is required, CVS denies the allegations.

319. To the extent the allegations in Paragraph 319 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 319. To the extent any further response is required, CVS denies the allegations.

320. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 320. To the extent any further response is required, CVS denies the allegations.

321. To the extent the allegations in Paragraph 321 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 321. To the extent any further response is required, CVS denies the allegations.

322. To the extent the allegations in Paragraph 322 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 322. To the extent any further response is required, CVS denies the allegations.

323. To the extent the allegations in Paragraph 323 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 323. To the extent any further response is required, CVS denies the allegations.

324. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 324. To the extent any further response is required, CVS denies the allegations.

325. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 325. To the extent any further response is required, CVS denies the allegations.

326. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 326. To the extent any further response is required, CVS denies the allegations.

327. CVS lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 327. To the extent any further response is required, CVS denies the allegations.

328. To the extent the allegations in Paragraph 328 state legal conclusions, no response is required. CVS otherwise lacks knowledge or information sufficient to form a belief about the

truth of the allegations in Paragraph 328. To the extent any further response is required, CVS denies the allegations.

329. To the extent the allegations in Paragraph 329 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 329 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 329. To the extent any further response is required, CVS denies the allegations.

330. CVS denies the allegations in Paragraph 330 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 330. To the extent any further response is required, CVS denies the allegations.

331. To the extent the allegations in Paragraph 331 state legal conclusions, no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 331 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 331. To the extent any further response is required, CVS denies the allegations.

332. To the extent the allegations in Paragraph 332 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 332 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 332. To the extent any further response is required, CVS denies the allegations.

333. To the extent the allegations in Paragraph 333 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 333 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 333. To the extent any further response is required, CVS denies the allegations.

334. To the extent the allegations in Paragraph 334 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 334 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 334. To the extent any further response is required, CVS denies the allegations.

335. The allegations in Paragraph 335 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

336. To the extent the allegations in Paragraph 336 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 336 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 336. To the extent any further response is required, CVS denies the allegations.

337. To the extent the allegations in Paragraph 337 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 337 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 337. To the extent any further response is required, CVS denies the allegations.



338. To the extent the allegations in Paragraph 338 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 338 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 338. To the extent any further response is required, CVS denies the allegations.

339. To the extent the allegations in Paragraph 339 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 339 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 339. To the extent any further response is required, CVS denies the allegations.

340. To the extent the allegations in Paragraph 340 state legal conclusions, no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 340 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 340. To the extent any further response is required, CVS denies the allegations.

341. To the extent the allegations in Paragraph 341 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 341 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 341. To the extent any further response is required, CVS denies the allegations.

342. To the extent the allegations in Paragraph 342 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 342 insofar as alleged against it.

CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 342. To the extent any further response is required, CVS denies the allegations.

343. CVS denies the allegations in Paragraph 343 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 343. To the extent any further response is required, CVS denies the allegations.

344. To the extent the allegations in Paragraph 344 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 344 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 344. To the extent any further response is required, CVS denies the allegations.

345. To the extent the allegations in Paragraph 345 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 345 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 345. To the extent any further response is required, CVS denies the allegations.

346. To the extent the allegations in Paragraph 346 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 346 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 346. To the extent any further response is required, CVS denies the allegations.

347. To the extent the allegations in Paragraph 347 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 347 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 347. To the extent any further response is required, CVS denies the allegations.

348. To the extent the allegations in Paragraph 348 state legal conclusions, no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 348 insofar as alleged against it, except it admits that certain CVS entities have entered into various settlement agreements with various federal and state regulators, which settlement agreements speak for themselves and are the best evidence of their content. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 348. To the extent any further response is required, CVS denies the allegations.

349. To the extent the allegations in Paragraph 349 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 349 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 349. To the extent any further response is required, CVS denies the allegations.

350. To the extent the allegations in Paragraph 350 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 350 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 350. To the extent any further response is required, CVS denies the allegations.

351. To the extent the allegations in Paragraph 351 state legal conclusions, no response is required. CVS otherwise denies the allegations in Paragraph 351 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 351. To the extent any further response is required, CVS denies the allegations.

352. To the extent the allegations in Paragraph 352 state legal conclusions, no response is required, and CVS respectfully refers the Court to any cited statutes, regulations, case law or documents for their true and correct contents. CVS otherwise denies the allegations in Paragraph 352 insofar as alleged against it. CVS otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 352. To the extent any further response is required, CVS denies the allegations.

**CLAIMS FOR RELIEF**

**ANSWERING COUNT I**

353. In response to Paragraph 353, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

354. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 354 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

355. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 355 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

356. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 356 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

357. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 357 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

358. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 358 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

359. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 359 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

360. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 360 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

361. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 361 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

362. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 362 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

363. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 363 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

364. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 364 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

365. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 365 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

366. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 366 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

367. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 367 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

368. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 368 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

369. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 369 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

370. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 370 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

371. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 371 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

372. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 372 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

373. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 373 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

374. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 374 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

375. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 375 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

376. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 376 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

377. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 377 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

378. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 378 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

379. Count I is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 379 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

#### **ANSWERING COUNT II**

380. In response to Paragraph 380, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

381. The allegations in Paragraph 381 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

382. The allegations in Paragraph 382 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

383. The allegations in Paragraph 383 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

384. The allegations in Paragraph 384 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

385. The allegations in Paragraph 385 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.



386. The allegations in Paragraph 386 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

387. The allegations in Paragraph 387 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

388. The allegations in Paragraph 388 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

389. The allegations in Paragraph 389 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

390. The allegations in Paragraph 390 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

391. The allegations in Paragraph 391 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

392. The allegations in Paragraph 392 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

393. The allegations in Paragraph 393 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

394. The allegations in Paragraph 394 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

395. The allegations in Paragraph 395 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

396. The allegations in Paragraph 396 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

397. The allegations in Paragraph 397 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

398. The allegations in Paragraph 398 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

399. The allegations in Paragraph 399 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

400. The allegations in Paragraph 400 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

401. The allegations in Paragraph 401 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

402. The allegations in Paragraph 402 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

403. The allegations in Paragraph 403 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

404. The allegations in Paragraph 404 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

405. The allegations in Paragraph 405 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

406. The allegations in Paragraph 406 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

407. The allegations in Paragraph 407 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

408. The allegations in Paragraph 408 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**ANSWERING COUNT III**

409. In response to Paragraph 409, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

410. The allegations in Paragraph 410 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

411. The allegations in Paragraph 411 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

412. The allegations in Paragraph 412 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

413. The allegations in Paragraph 413 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

414. The allegations in Paragraph 414 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

415. The allegations in Paragraph 415 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

416. The allegations in Paragraph 416 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

417. The allegations in Paragraph 417 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

418. The allegations in Paragraph 418 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**ANSWERING COUNT IV**

419. In response to Paragraph 419, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

420. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 420 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

421. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 421 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

422. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 422 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

423. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 423 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

424. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 424 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

425. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 425 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

426. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 426 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

427. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 427 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

428. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 428 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

429. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 429 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

430. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 430 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

431. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 431 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

432. Count IV is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 432 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**ANSWERING COUNT V**

433. In response to Paragraph 433, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

434. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 434 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

435. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 435 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

436. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 436 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

437. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 437 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

438. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 438 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

439. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 439 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

440. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 440 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

441. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 441 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

442. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 442 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

443. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 443 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

444. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 444 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

445. Count V is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 445 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

#### **ANSWERING COUNT VI**

446. In response to Paragraph 446, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

447. Count VI is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 447 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

448. Count VI is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 448 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

449. Count VI is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 449 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

450. Count VI is not asserted against CVS and thus no response from CVS is required. Moreover, the allegations in Paragraph 450 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

#### **ANSWERING COUNT VII**

451. In response to Paragraph 451, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

452. The allegations in Paragraph 452 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

453. The allegations in Paragraph 453 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

454. The allegations in Paragraph 454 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

455. The allegations in Paragraph 455 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.



456. The allegations in Paragraph 456 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

457. The allegations in Paragraph 457 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

458. The allegations in Paragraph 458 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

459. The allegations in Paragraph 459 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

460. The allegations in Paragraph 460 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

461. The allegations in Paragraph 461 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

462. The allegations in Paragraph 462 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

463. The allegations in Paragraph 463 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

464. The allegations in Paragraph 464 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

#### **ANSWERING COUNT VIII**

465. In response to Paragraph 465, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

466. The allegations in Paragraph 466 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

467. The allegations in Paragraph 467 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

468. The allegations in Paragraph 468 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

469. The allegations in Paragraph 469 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

470. The allegations in Paragraph 470 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

471. The allegations in Paragraph 471 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

472. The allegations in Paragraph 472 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

473. The allegations in Paragraph 473 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

474. The allegations in Paragraph 474 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

475. The allegations in Paragraph 475 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

476. The allegations in Paragraph 476 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

477. The allegations in Paragraph 477 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

478. The allegations in Paragraph 478 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**ANSWERING COUNT IX**

479. In response to Paragraph 479, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

480. The allegations in Paragraph 480 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

481. The allegations in Paragraph 481 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

482. The allegations in Paragraph 482 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

483. The allegations in Paragraph 483 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

484. The allegations in Paragraph 484 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

**ANSWERING COUNT X**

485. In response to Paragraph 485, CVS repeats and realleges its responses to the allegations within all prior Paragraphs within the Complaint as if fully set forth herein.

486. The allegations in Paragraph 486 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

487. The allegations in Paragraph 487 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

488. The allegations in Paragraph 488 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

489. The allegations in Paragraph 489 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

490. The allegations in Paragraph 490 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

491. The allegations in Paragraph 491 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

492. The allegations in Paragraph 492 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

493. The allegations in Paragraph 493 state legal conclusions as to which no response is required. To the extent any further response is required, CVS denies the allegations.

#### **AFFIRMATIVE DEFENSES**

CVS raises the following affirmative defenses to the Complaint. By designating the following defenses as affirmative defenses, CVS does not concede that it bears the burden of proof and/or the burden of persuasion as to any such defense. CVS reserves the right to (1) rely on any other applicable defenses that may become apparent during fact or expert discovery; (2) rely on any other applicable defenses set forth in any answer or list of affirmative defenses filed or submitted by any other Defendant in this action; and (3) amend this document and/or its answer to assert any such defenses.

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief may be granted, fails to state facts sufficient to constitute the purported causes of action, and fails to plead a legally cognizable injury.

**SECOND DEFENSE**

Plaintiff's claims are barred by the applicable statutes of limitation.

**THIRD DEFENSE**

Plaintiff's claims are barred by the doctrine of laches.

**FOURTH DEFENSE**

Plaintiff's claims are barred by the applicable statute of repose.

**FIFTH DEFENSE**

Plaintiff lacks standing to bring all or some of its claims.

**SIXTH DEFENSE**

Plaintiff's claims are barred by the voluntary payment doctrine.

**SEVENTH DEFENSE**

Plaintiff's claims are barred by the doctrine of unclean hands.

**EIGHTH DEFENSE**

Plaintiff's claims are barred by the doctrine of *in pari delicto*.

**NINTH DEFENSE**

Plaintiff's claims and damages are barred or limited, in whole or in part, by common law, statutory, and state constitutional constraints on the exercise of police powers.

**TENTH DEFENSE**

Plaintiff's claims and damages are barred or limited, in whole or in part, by the political question and separation of powers doctrines and because its state-law claims implicate issues of statewide importance that are reserved for state regulation.

**ELEVENTH DEFENSE**

Plaintiff's claims are barred because Plaintiff is not the real party in interest.

**TWELFTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity to bring the claims.

**THIRTEENTH DEFENSE**

Plaintiff's claims are barred to the extent CVS has valid defenses which would bar recovery by those persons on whose behalf Plaintiff seeks recovery.

**FOURTEENTH DEFENSE**

Plaintiff's claims are subject to all defenses that could be asserted if Plaintiff's claims were properly made by individuals on whose behalf Plaintiff seeks to recover.

**FIFTEENTH DEFENSE**

Plaintiff has failed to comply with the requirement that it identify each patient in whose claim(s) it has a subrogation interest and on whose behalf it has incurred costs.

**SIXTEENTH DEFENSE**

Plaintiff fails to plead that it reimbursed any prescriptions for any opioid distributed or dispensed by CVS that harmed patients and should not have been written, or that CVS's allegedly improper conduct caused any health care provider to write any ineffective or harmful

opioid prescriptions, or that any specific prescription was unauthorized, medically unnecessary, ineffective, or harmful.

**SEVENTEENTH DEFENSE**

Plaintiff's claims are barred by the doctrines of estoppel and/or waiver.

**EIGHTEENTH DEFENSE**

Plaintiff's claims against CVS do not arise from the same transactions or occurrences as its claims against other defendants, as required for joinder of parties.

**NINETEENTH DEFENSE**

Plaintiff failed to join all necessary parties, including without limitation prescribers, patients, and other third parties whom Plaintiff alleges engaged in the unauthorized, improper or illicit prescription, dispensing, diversion, or use of opioids.

**TWENTIETH DEFENSE**

CVS denies all types of causation, including without limitation cause in fact, proximate cause, and producing cause, as to the claims asserted against CVS.

**TWENTY-FIRST DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrines of superseding and intervening causation.

**TWENTY-SECOND DEFENSE**

Plaintiff's claims are barred, in whole or in part, because CVS has no legal duty to protect Plaintiff from the intentional criminal acts of third persons. Such criminal acts are superseding causes that extinguish any liability.

**TWENTY-THIRD DEFENSE**

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were due to illicit use or abuse of medications.

**TWENTY-FOURTH DEFENSE**

Plaintiff's claims are barred to the extent its alleged injuries and damages were caused or contributed to by the negligence or conduct of Plaintiff and/or third parties over whom CVS had no control and for whom CVS is not responsible.

**TWENTY-FIFTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because the derivative injury rule and the remoteness doctrine bar Plaintiff from recovering payments that it allegedly made on behalf of its members to reimburse any expenses for health care, pharmaceutical care, and other public services.

**TWENTY-SIXTH DEFENSE**

Plaintiff's claims are barred because Plaintiff suffered no injuries or damages as a result of any action by CVS.

**TWENTY-SEVENTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by unforeseeable or uncontrollable forces over which CVS had no control, including without limitation pre-existing medical conditions.

**TWENTY-EIGHTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by the misuse of the medications involved, by failure to use the medications



properly, and/or by the alteration, modification, or criminal misuse of medications prescribed by third parties over whom CVS had no control.

**TWENTY-NINTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because neither the users of the subject prescription medications nor their prescribers relied to their detriment upon any statement by CVS in determining to use or prescribe the subject prescription medications.

**THIRTIETH DEFENSE**

Any injuries and/or damages sustained by Plaintiff were caused, in whole or part, by its own failure to effectively enforce the law and prosecute violations thereof and any recovery by Plaintiff is barred or, alternatively, should be diminished according to its own fault.

**THIRTY-FIRST DEFENSE**

Any recovery by Plaintiff is barred or limited by the principle of comparative or contributory fault.

**THIRTY-SECOND DEFENSE**

Any recovery by Plaintiffs may be barred or limited by the principles of informed consent and assumption of the risk, whether primary, express, or implied.

**THIRTY-THIRD DEFENSE**

CVS asserts its right to a proportionate reduction, based on the negligence or other conduct of any settling tortfeasor, responsible third party, or Plaintiff, of any damages found against CVS.

**THIRTY-FOURTH DEFENSE**

Plaintiff's claims are barred to the extent its alleged damages are speculative, uncertain, or hypothetical.

**THIRTY-FIFTH DEFENSE**

In the event of liability against CVS (which liability is specifically denied), a specific percentage of the tortious conduct that proximately caused Plaintiff's injury or loss is attributable to (1) Plaintiff; (2) other parties from whom Plaintiff seeks recovery; and (3) persons from whom Plaintiff does not seek recovery in this action, including but not limited to prescribers of opioids, their associates, and employers, including hospitals; non-party manufacturers of prescription opioids; non-party distributors of prescription opioids; non- CVS pharmacies and pharmacists employed or formerly employed at those pharmacies; individuals and entities involved in the distribution and/or sale of illegal opioids; individuals involved in procuring diverted prescription opioids and/or illegal drugs; delivery services; federal, state, and local government entities; and any other person identified by Plaintiff or any other defendant as a non-party whose tortious conduct proximately caused Plaintiff's injury or loss. *See* Okla. Stat. tit. 23, §§ 13-14.

**THIRTY-SIXTH DEFENSE**

In the event of liability against CVS (which liability is specifically denied), the facts will show that any recovery by Plaintiff must be reduced pursuant to Okla. Stat. tit. 23, §§ 13-14 to account for the acts or omissions attributable to Plaintiff.

**THIRTY-SEVENTH DEFENSE**

Plaintiff may have failed or refused to exercise reasonable care and diligence to avoid loss and minimize damages and, therefore, may not recover for losses that could have been prevented by reasonable efforts on its part, or by expenditures which might reasonably have been made. Recovery, if any, should therefore be reduced by Plaintiff's failure to mitigate damages, if any.

**THIRTY-EIGHTH DEFENSE**

Plaintiff's claims are barred or limited by the economic loss rule.

**THIRTY-NINTH DEFENSE**

Plaintiff's claims are barred or limited by the free public services and/or municipal cost recovery doctrine.

**FORTIETH DEFENSE**

Plaintiff's claims are barred to the extent they relate to CVS's or other defendants' alleged advertising, public statements, lobbying, or other activities protected by the First Amendment to the Constitution of the United States or by the Constitution of the State of Oklahoma or that of any other state whose laws may apply.

**FORTY-FIRST DEFENSE**

The damages which Plaintiff may be entitled to recover if liability is established (which liability is specifically denied) are capped pursuant to Okla. Stat. tit. 23, § 9.1.

**FORTY-SECOND DEFENSE**

Any damages that Plaintiff may recover against CVS must be reduced to the extent that Plaintiff is seeking damages for alleged injuries or expenses related to the same user(s) of the subject prescription medications, or damages recovered or recoverable by other actual or potential plaintiffs.

**FORTY-THIRD DEFENSE**

Plaintiff's claims are barred to the extent they rely, explicitly or implicitly, on a theory of market-share liability.

**FORTY-FOURTH DEFENSE**

To the extent Plaintiff attempts to seek equitable relief, Plaintiff is not entitled to such relief because Plaintiff has an adequate remedy at law.

**FORTY-FIFTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Due Process or Ex Post Facto clauses of the United States or Oklahoma constitutions.

**FORTY-SIXTH DEFENSE**

CVS's rights under the Due Process Clause of the U.S. Constitution and applicable state Constitution or statute are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding, including by Plaintiff's use of a contingency fee contract with private counsel.

**FORTY-SEVENTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Dormant Commerce Clause of the United States Constitution.

**FORTY-EIGHTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because federal agencies have exclusive or primary jurisdiction over the matters asserted in the Complaint.

**FORTY-NINTH DEFENSE**

Plaintiff's claims are preempted by federal law, including (without limitation) the federal Controlled Substances Act and the Food, Drug, and Cosmetic Act ("FDCA").

**FIFTIETH DEFENSE**

CVS's conduct conformed with the FDCA and the requirements of the FDA, and the activities of CVS alleged in the Complaint conformed with all state and federal statutes, regulations, and industry standards based on the state of knowledge at the relevant time(s) alleged in the Complaint.

**FIFTY-FIRST DEFENSE**

Plaintiff's claims are barred, in whole or in part, by conflict preemption as set forth in the United States Supreme Court's decisions in *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011), and *Mutual Pharm. Co. v. Bartlett*, 133 S. Ct. 2466 (2013).

**FIFTY-SECOND DEFENSE**

Plaintiff's claims are preempted insofar as they conflict with Congress's purposes and objectives in enacting relevant federal legislation and authorizing regulations, including the Hatch-Waxman Amendments to the FDCA and implementing regulations. *See Geier v. Am. Honda Co.*, 529 U.S. 861 (2000).

**FIFTY-THIRD DEFENSE**

To the extent Plaintiff asserts claims that depend solely on violations of federal law, including any claims of a "fraud on the FDA" with respect to the Manufacturer Defendants' disclosure of information related to the safety of their medications at issue, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiffs' Legal Comm.*, 531 U.S. 341 (2001).

**FIFTY-FOURTH DEFENSE**

To the extent Plaintiff asserts claims that depend solely on violations of federal law, including any claims of “fraud on the DEA” with respect to CVS’s compliance with statutes or regulations administered and/or enforced by the DEA, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiffs’ Legal Comm.*, 531 U.S. 341 (2001).

**FIFTY-FIFTH DEFENSE**

Plaintiff’s claims are barred, in whole or in part, by the deference that common law accords discretionary actions by the FDA under the FDCA and discretionary actions by the DEA under the Controlled Substances Act.

**FIFTY-SIXTH DEFENSE**

Plaintiff’s claims are barred, in whole or in part, for failure to exhaust administrative remedies.

**FIFTY-SEVENTH DEFENSE**

If Plaintiff incurred the damages alleged, which is expressly denied, CVS is not liable for damages because the methods, standards, or techniques of designing, manufacturing, labeling, and distributing of the prescription medications at issue complied with and were in conformity with the laws and regulations of the Controlled Substances Act, the FDCA, and the generally recognized state of the art in the industry at the time the product was designed, manufactured, labeled, and distributed.

**FIFTY-EIGHTH DEFENSE**

Plaintiff’s claims are barred to the extent they are based on any allegations involving failure to provide adequate warnings or information because all warnings or information that accompanied the allegedly distributed products were approved by the United States Food &

Drug Administration for a product approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 *et seq.*), as amended, or Section 351, Public Health Service Act (42 U.S.C. § 262), as amended, or the warnings and information provided were those stated in monographs developed by the United States Food & Drug Administration for pharmaceutical products that may be distributed without an approved new drug application.

**FIFTY-NINTH DEFENSE**

Plaintiff's claims are barred in whole or in part under the learned intermediary doctrine.

**SIXTIETH DEFENSE**

CVS did not owe or breach any statutory or common law duty to Plaintiff.

**SIXTY-FIRST DEFENSE**

CVS appropriately, completely, and fully performed and discharged any and all obligations and legal duties arising out of the matters alleged in the Complaint.

**SIXTY-SECOND DEFENSE**

Plaintiff's claims are barred, in whole or in part, because CVS complied at all relevant times with all applicable laws, including all legal and regulatory duties.

**SIXTY-THIRD DEFENSE**

To the extent that Plaintiff relies on letters or other informal guidance from the DEA to establish CVS's regulatory duties, such informal guidance cannot enlarge CVS's regulatory duties in the absence of compliance by DEA with the requirements by the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*

**SIXTY-FOURTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because Plaintiff has no private right of action under the relevant laws and regulations.

**SIXTY-FIFTH DEFENSE**

The claims asserted in the Complaint are barred, in whole or in part, by the Restatement (Second) of Torts § 402A, Comments j and k, and Restatement (Third) of Torts: Products Liability § 6.

**SIXTY-SIXTH DEFENSE**

CVS is not liable for any statements in the Manufacturer Defendants' branded or unbranded materials.

**SIXTY-SEVENTH DEFENSE**

Plaintiff's claims are barred in whole or in part, or are subject to other limitations, by Okla. Stat. tit. 76, § 57.2(G).

**SIXTY-EIGHTH DEFENSE**

Plaintiff's nuisance claims are barred to the extent that they lack the statutory authority to bring a nuisance claim under Oklahoma law.

**SIXTY-NINTH DEFENSE**

Plaintiff's common law and statutory public nuisance claims are barred or limited by Okla. Stat. tit. 76, § 57.2(G).

**SEVENTIETH DEFENSE**

Plaintiff's claim of public nuisance is barred or limited because no action of CVS involved interference with real property; illegal conduct perpetrated by third parties involving the use of an otherwise legal product does not involve a public right against the distributor sufficient to state a claim for public nuisance; the alleged public nuisance would have impermissible extraterritorial reach; and the alleged conduct of Defendant is too remote from the alleged injury as a matter of law and due process.



**SEVENTY-FIRST DEFENSE**

Plaintiff's claim for unjust enrichment is barred or limited because CVS did not receive and retain any alleged benefit from Plaintiff.

**SEVENTY-SECOND DEFENSE**

Plaintiff's claims are barred, reduced, and/or limited pursuant to the applicable Oklahoma statutory and common law regarding limitations of awards, caps on recovery, and setoffs.

**SEVENTY-THIRD DEFENSE**

Plaintiff's claims are barred, reduced, and/or limited to the extent that CVS is entitled to a credit or setoff for any and all sums Plaintiff has received in the way of any and all settlements.

**SEVENTY-FOURTH DEFENSE**

To the extent that Plaintiff is alleging fraud, fraudulent concealment, or similar conduct, Plaintiff has failed to plead fraud with sufficient particularity.

**SEVENTY-FIFTH DEFENSE**

Plaintiff fails to plead any actionable misrepresentation or omission made by or attributable to CVS.

**SEVENTY-SIXTH DEFENSE**

Plaintiff's claims are barred in whole or in part because no conduct of CVS was misleading, unfair, or deceptive.

**SEVENTY-SEVENTH DEFENSE**

Plaintiff's claims are barred, in whole or in part, because neither the users, nor their prescribers of the medications distributed or dispensed by CVS, nor Plaintiff itself, relied to their detriment upon any statement by CVS in determining to use the medications at issue.

**SEVENTY-EIGHTH DEFENSE**

Plaintiff's claims for punitive or exemplary damages or other civil penalties are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the due process protections afforded by the United States Constitution, the excessive fines clause of the Eighth Amendment of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, and applicable provisions of the Constitution of this State or that of any other state whose laws may apply. Any law, statute or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties; (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to Plaintiffs; (4) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount of harm, if any, to Plaintiffs and to the amount of compensatory damages, if any; (5) unconstitutionally may permit jury consideration of net worth or other financial information relating to Defendants; (6) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties; (7) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in nature, without according to Defendants the

same procedural protections that are accorded to criminal defendants under the constitutions of the United States, this State, and any other state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court precedent, including, without limitation, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991); *TXO Production Corp. v. Alliance Resources, Inc.*, 509 U.S. 443 (1993); *BMW of N. Am. v. Gore*, 517 U.S. 559 (1996); *State Farm Ins. Co. v. Campbell*, 538 U.S. 408 (2003); and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

#### **SEVENTY-NINTH DEFENSE**

To the extent that Plaintiff seeks punitive, exemplary, or aggravated damages, any such damages are barred because the product at issue, and its labeling, were subject to and received pre-market approval by the FDA under 52 Stat. 1040, 21 U.S.C. § 301.

#### **EIGHTIETH DEFENSE**

Plaintiff's claims for punitive or exemplary damages are barred because CVS has neither acted nor failed to act in a manner that entitles Plaintiff to recover punitive or exemplary damages.

#### **EIGHTY-FIRST DEFENSE**

Plaintiff cannot obtain relief on its claims based on actions undertaken by CVS of which CVS provided notice of all material facts.

#### **EIGHTY-SECOND DEFENSE**

CVS is entitled to, and claim the benefit of, all defenses and presumptions set forth in or arising from any rule of law or statute of this State or any other state whose substantive law might control the action.

**EIGHTY-THIRD DEFENSE**

CVS asserts all applicable defenses under Federal Rules of Civil Procedure 8(c) and 12(b) and/or Okla. Stat. tit. 12, § 2012, as investigation and discovery proceeds.

**EIGHTY-FOURTH DEFENSE**

To the extent they are not otherwise incorporated herein, CVS incorporates as a defense the defenses and arguments raised in the motions to dismiss of the Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants in this case.

**EIGHTY-FIFTH DEFENSE**

CVS adopts by reference any additional applicable defense pled by any other defendants not otherwise pled herein.

**DEMAND FOR JURY TRIAL**

CVS hereby demands a jury trial as to all issues or claims for which a jury trial is allowed.

**PRAYER FOR RELIEF**

CVS prays that (a) judgment be entered dismissing Plaintiff's Complaint with prejudice, and (b) this Court grant it such other relief as it deems just and appropriate including costs and reasonable attorney's fees.

Date: August 15, 2019

Respectfully submitted,

/s/ Eric R. Delinsky  
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*Counsel for CVS Pharmacy, Inc., Oklahoma  
CVS Pharmacy, LLC, and Omnicare  
Distribution Center L.L.C.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 15, 2019, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Eric R. Delinsky  
Eric R. Delinsky